

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Nathan Bianco

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Ryan Kerbow, Esq., Bernstein and Poisson LLP, 320 S. Jones Boulevard, Las Vegas, NV 89107

DEFENDANTS

Target Corporation

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Alan W. Westbrook, Esq., PERRY & WESTBROOK, 1701 W. Charleston Boulevard #200, Las Vegas, Nevada 89102

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

<input type="checkbox"/> 1 U.S. Government Plaintiff	<input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)
<input type="checkbox"/> 2 U.S. Government Defendant	<input checked="" type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Citizen of This State	PTF	DEF	Citizen of Another State	PTF	DEF
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Incorporated or Principal Place of Business In This State			Incorporated and Principal Place of Business In Another State		

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input checked="" type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark
				LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability
				SOCIAL SECURITY <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation
				FEDERAL TAX SUITS <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))
				IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions

V. ORIGIN (Place an "X" in One Box Only)

<input type="checkbox"/> 1 Original Proceeding	<input checked="" type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from Another District (specify) _____	<input type="checkbox"/> 6 Multidistrict Litigation - Transfer	<input type="checkbox"/> 8 Multidistrict Litigation - Direct File
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Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

28 U.S.C. 1441

VI. CAUSE OF ACTIONBrief description of cause:
Premises liability slip and fall**VII. REQUESTED IN COMPLAINT:** CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$ _____

CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE _____

DOCKET NUMBER _____

DATE

6/25/20

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____

AMOUNT _____

APPLYING IPP _____

JUDGE _____

MAG. JUDGE _____

1 ALAN W. WESTBROOK, ESQ.
2 Nevada Bar No. 006167
3 PERRY & WESTBROOK,
4 A Professional Corporation
5 1701 W. Charleston Boulevard #200
6 Las Vegas, Nevada 89102
Telephone: (702) 870-2400
Facsimile: (702) 870-8220
Email: awestbrook@perrywestbrook.com
Attorney for Defendant Target Corporation

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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

NATHAN BIANCO, an individual

CASE NO.:

Plaintiff,

vs.

TARGET CORPORATION, a foreign corporation; DOES 1 through 100; and ROE CORPORATION 101 through 200, inclusive

**DEFENDANT TARGET
CORPORATION'S PETITION FOR
REMOVAL AND DEMAND FOR JURY
TRIAL**

Defendant(s).

**DEFENDANT TARGET CORPORATION'S PETITION FOR REMOVAL AND
DEMAND FOR JURY TRIAL**

PLEASE TAKE NOTICE that Defendant TARGET CORPORATION, by and through its attorney Alan W. Westbrook, Esq. of PERRY & WESTBROOK, a Professional Corporation, hereby removes this action from the Eighth Judicial District Court of the State of Nevada, in and for Clark County, Nevada, to the United States District Court for the District of Nevada, pursuant to Section 1441 of Title 28 of the United States Code (Diversity of Citizenship).

This removal of this action is based upon the following:

1 1. This action is a civil action within the meaning of Acts of Congress relating to
2 removal of cases.

3 2. Plaintiff Nathan Bianco filed a Complaint for damages in the Eighth Judicial
4 District Court, in and for Clark County, Nevada (the State Court). The State Court assigned this
5 matter number A-20-815180-C. The Complaint alleged a cause of action for negligence against
6 Defendant (a copy of the original Complaint is attached as Exhibit A).

7 3. The Complaint filed alleges damages "in a sum in excess of \$15,000.00."

8 4. Plaintiff's counsel submitted a correspondence dated December 17, 2019, in
9 which the injuries of Plaintiff were described as persistent bilateral knee pain and cervical spine
10 pain. The Plaintiff underwent MRI studies of the right knee and cervical spine, as well as nerve
11 conduction studies. Treatment included PRP injections to both knees. The medical special
12 damages related to the medical treatment amounted, at that time, to \$26,781.65. Plaintiff further
13 asserted that the injuries sustained had interfered greatly with his responsibilities and overall life
14 enjoyment and that he continued to suffer at the time of the correspondence. The Plaintiff
15 concluded the letter by demanding an amount many times the \$75,000.00 jurisdictional threshold
16 of this Court's jurisdiction. Plaintiff's counsel was requested to stipulate that the amount in
17 controversy would be less than the \$75,000.00 threshold, however, this request was denied.
18

19 5. Removal to this Court is based upon the receipt of the Complaint, the Plaintiff's
20 counsel's demand letter, and the provided medical records and bills. See 28 U.S.C. § 1446(b)(1)
21 The Defendant was served with the Complaint , by service on their resident agent on June 5,
22 2020, and therefore, this Petition is filed within 30 days after receipt by the defendant, through
23 service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which
24 such action or proceeding is based.
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1 6. This Court has original jurisdiction over the claims alleged here for the reasons
2 set for below:

3 a. According to the Complaint Plaintiff is, and was at all times relevant, a
4 resident of Clark County, Nevada.

5 b. Defendant, Target Corporation, is incorporated in Minnesota, with its
6 principle place of business in Minnesota.

7 c. Based upon the Plaintiff's counsel's letter, description of injuries, the
8 continuation of the suffering of Plaintiff, and the incurred medical expenses of \$26,781.65.

9 d. The State Court action is a civil action between citizens of different States,
10 and the matter in controversy exceeds \$75,000.00, exclusive of costs and interest. The District
11 Court has original jurisdiction over the matter pursuant to 28 U.S.C., Section 1332.

12 7. Defendant served a copy of this Notice of Removal on June 25, 2020, by filing a
13 Notice of Removal with the State Court and having it electronically served through the Court
14 filing system.

15 8. Defendant respectfully demands a trial by jury of the above-captioned matter.

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1 WHEREFORE, Defendant hereby removes the State Court Action pending as Case No.
2 A-20-815180-C in the Eighth Judicial District Court of the State of Nevada, in and for Clark
3 County, Nevada, to this Honorable Court.
4

5 DATED this 25th day of June, 2020.
6

7 PERRY & WESTBROOK
8 A Professional Corporation
9

10 */s/ Alan W. Westbrook*
11 ALAN W. WESTBROOK, ESQ.
12 Nevada Bar No. 6167
13 1701 W. Charleston, Suite 200
14 Las Vegas, Nevada 89102
15 Telephone: (702) 870-2400
16 Facsimile: (702) 870-2880
17 Email: awestbrook@perrywestbrook.com
18 *Attorney for Defendant Target*
19

20 **CERTIFICATE OF SERVICE**
21

22 I HEREBY CERTIFY that on the 25th day of June, 2020, a true and correct copy of the
23 foregoing was served upon the following counsel via the Court's electronic filing and service
24 system:
25

26 Ryan Kerbow, Esq.
27 Bernstein and Poisson LLP
28 320 S. Jones Boulevard
Las Vegas, NV 89107
Attorney for Plaintiff

29 */s/ Jonna Linke*
30 An Employee of PERRY & WESTBROOK,
31 A Professional Corporation
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